

4087. Misbranding of cottonseed meal and cottonseed cake. U. S. v. Apache Cotton Oil & Manufacturing Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 5821. I. S. Nos. 6761-e, 6762-e.)

On February 23, 1915, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Apache Cotton Oil & Manufacturing Co., a corporation, Chickasha, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 25, 1913, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed meal and cottonseed cake which were misbranded. The cottonseed meal was labeled: (Tag) "100 pounds gross. Guaranteed analysis: Protein 41 to 43 per cent. Ammonia $7\frac{1}{2}$ to $8\frac{1}{2}$ per cent. Oil fat 6 to 7 per cent. Manufactured by the Apache Cotton Oil and Manufacturing Company, Chickasha, Oklahoma. Net $99\frac{1}{2}$ pounds Choice Cottonseed Meal Manufactured by Apache Cotton Oil & Mfg. Co., Chickasha, Okla. Guaranteed Analysis: Crude Protein 41%, Crude Fat $7\frac{1}{2}$ %, Nitrogen-free extract 25%, Crude fiber 9%."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Ether extract ("crude fat") (per cent).....	6.48
Crude fiber (per cent).....	14.49
Ammonia (N x 1.2158) (per cent).....	7.05
Protein ("crude protein") (per cent).....	36.25

Misbranding of this product was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis: Crude Protein 41%, Crude Fat $7\frac{1}{2}$ %, Crude fiber 9%," borne on the label, was false and misleading in that it purported and represented that said article contained not less than 41 per centum of crude protein, and not less than $7\frac{1}{2}$ per centum of crude fat, and contained not more than 9 per centum of crude fiber, whereas, in truth and in fact, said article contained less than 41 per centum of crude protein and $7\frac{1}{2}$ per centum of crude fat, and contained more than 9 per centum of crude fiber, to wit, crude protein 36.25 per centum, crude fat 6.48 per centum, crude fiber 14.49 per centum. Misbranding was alleged for the further reason that the article was labeled, "Guaranteed Analysis: Crude Protein 41%, Crude Fat $7\frac{1}{2}$ %, Crude Fiber 9%," so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per centum of crude protein, and not less than $7\frac{1}{2}$ per centum of crude fat and contained not more than 9 per centum of crude fiber, whereas, in truth and in fact, the said article contained less than 41 per centum of crude protein and $7\frac{1}{2}$ per centum of crude fat and contained more than 9 per centum of crude fiber, to wit, crude protein 36.25 per centum, crude fat 6.48 per centum, and crude fiber 14.49 per centum.

The cottonseed cake was labeled: (Tag), "100 lbs. Gross Guaranteed Analysis: Protein 41% to 43%; Ammonia $7\frac{1}{2}$ % to $8\frac{1}{2}$ %; Oil fat 6 to 7%; Manufactured by the Apache Cotton Oil and Manufacturing Company, Chickasha, Okla." (Reverse side of tag) "Net $99\frac{1}{2}$ pounds Choice Cottonseed Cake Manufactured by Apache Cotton Oil & Mfg. Co., Chickasha, Okla. Guaranteed analysis: Crude protein 41%; crude fat $7\frac{1}{2}$ %; Nitrogen free extract 25%; crude fiber 9%."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Ether extract ("crude fat") (per cent).....	6.37
Crude fiber (per cent).....	13.40
Ammonia (N x 1.2158) (per cent).....	7.43
Protein ("crude protein") (per cent).....	38.19

Misbranding of this article was alleged in the information for the reason that the statement, to wit, "Choice Cottonseed Cake * * * Guaranteed analysis: Ammonia $7\frac{1}{2}\%$ to $8\frac{1}{2}\%$; crude protein 41%; crude fat $7\frac{1}{2}\%$; crude fibre 9%," was false and misleading in that it purported and represented that said article was a high-grade cottonseed cake and contained not less than $7\frac{1}{2}$ per centum of ammonia, not less than 41 per centum of crude protein, not less than $7\frac{1}{2}$ per centum of crude fat, and not more than 9 per centum of crude fiber; whereas, in truth and in fact, said article was an inferior grade of cottonseed cake and contained less than $7\frac{1}{2}$ per centum of ammonia, less than 41 per centum of crude protein, and less than $7\frac{1}{2}$ per centum of crude fat; and contained more than 9 per centum of crude fiber, to wit, ammonia 7.43 per centum, crude protein 38.19 per centum, crude fat 6.37 per centum, and crude fiber 13.40 per centum. Misbranding was alleged for the further reason that the article was labeled, "Choice Cottonseed Cake; Guaranteed analysis: Ammonia $7\frac{1}{2}\%$ to $8\frac{1}{2}\%$, crude protein 41%, crude fat $7\frac{1}{2}\%$, crude fiber 9%," so as to deceive and mislead the purchaser into the belief that said article, as understood by the trade and public generally, was a high-grade cottonseed cake and contained not less than $7\frac{1}{2}$ per centum of ammonia, not less than 41 per centum of crude protein, not less than $7\frac{1}{2}$ per centum of crude fat, and not more than 9 per centum of crude fiber, whereas, in truth and in fact, said article was an inferior grade of cottonseed cake and contained less than $7\frac{1}{2}$ per centum of ammonia, less than 41 per centum of crude protein, and less than $7\frac{1}{2}$ per centum of crude fat, and contained more than 9 per centum of crude fiber, to wit, ammonia 7.43 per centum, crude protein 38.19 per centum, crude fat 6.37 per centum, and crude fiber, 13.40 per centum.

On February 23, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *December 1, 1915.*